IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

Bail Appl..No. 7409 of 2006()

CMP.5285/2006 of J.M.F.C.,THIRUVALLA
CR No.31/06 (wrongly shown as Crime No.31/06) of Mallappally Excise Range

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: PETITIIONERS/ACCUSED:

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1. P.C. SURESH, S/O.SASI, AGED 40 YEARS,
   KOCHUVEEDU, KALLIPPARA, KOTTANGAL VILLAGE,
   MALLAPPALLY.

2. C.C. RAJESH, S/O.GANGADHARAN,
   AGED 27 YEARS, CHERATTU VEEDU,
   KAVUMBHAGAM, KULATHOOR, MALLAPPALLY.

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENTS: COMPLAINANT:

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1. STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE EXCISE INSPECTOR, MALLAPPALLY.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO.7409 of 2006

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Dated this the 15th day of December, 2006

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioners who are accused Nos. 1 and 2 in C.R.No.31 of 2006 (wrongly shown as Crime No.31 of 2006) of Mallappally Excise Range for offences punishable under Sec. 8 (1) and (2) of the Abkari Act for having been found in possession of 10.250 liters of illicit arrack on 4.11.2006, seek their enlargement on bail.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Thiruvalla and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR,
JUDGE.

ess 15/12